



1 Electronically Filed _____
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4 Entered on Docket
5 November 02, 2009
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Bruce A. Markell

8 Hon. Bruce A. Markell
9 United States Bankruptcy Judge
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Bank of America National Association as Successor by Merger to LaSalle Bank National Association,
as Trustee for MSM 2007-7AX
09-75458 / 1127134771

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Vinnie V. Sayphone

BK-S-09-12387-bam

MS Motion No.

Date:

Time:

Chapter 13

Debtors.

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the
above-entitled Court, all appearances as noted on court record, and based upon all the papers and
pleadings on file herein and good cause appearing therefor,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-
 2 petition arrearages currently due as follows:

3 4 Monthly Payments at \$1,712.66	\$6,850.64
(June 1, 2009-September 1, 2009)	
4 3 Late Charges at \$68.50 each	\$ 205.50
(June 16, 2009-August 16, 2009)	
5 Motion Filing Fee	\$ 150.00
6 Attorneys Fees	<u>\$ 750.00</u>
Total Arrearages	\$7,956.14

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 8 The above arrearage shall be paid in five (5) monthly installments of \$1,326.02 and one (1)
 9 monthly installment of \$1326.04. These payments shall be in addition to the regular monthly payment and
 10 shall be due on or before the 15th day of the month commencing with the October 15, 2009 payment and
 11 continuing throughout and concluding on or before March 15, 2010.

12 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
 13 Debtors at least five business days' notice of the time, place and date of sale.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and
 15 maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning
 16 with the October 1, 2009 payment, on Secured Creditor's Trust obligation, encumbering the subject
 17 Property, generally described as 8048 Anasazi Ranch Ave., Las Vegas, NV 89131, and legally described
 18 as follows:

19 Parcel 1:

20 Lot 17, Block 1, CIMARRON US 95, as shown by Map thereof on file in Book 124 of Plats, page 52 in
 21 the office of the County Recorder of Clark County, Nevada.

22 Parcel Two (2)

23 A non-exclusion easement for ingress, egress, use and enjoyment and public utility purposes on, over and
 24 across the Private Streets and Common Area on the Map referenced hereinabove, which easement is
 25 appurtenant to Parcel One (1)

26 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make any
 27 payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's
 28 Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon

1 Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each
2 such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be
3 paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure
4 the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to
5 Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the
6 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete
7 possession therof.

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9 Submitted by:

10 WILDE & ASSOCIATES

11 S/GREGORY L. WILDE
12 By _____

13 GREGORY L. WILDE, ESQ.
14 Attorneys for Secured Creditor
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17 APPROVED AS TO FORM & CONTENT:
18 Kathleen A Leavitt

19 Kathleen A Leavitt
20 Chapter 13 Trustee
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Narrah F. Newark
By _____

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